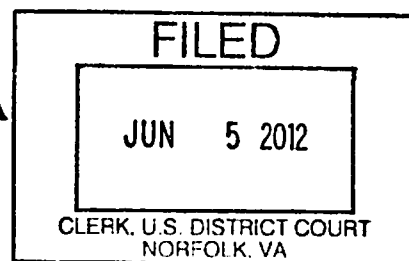


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



CHRIS A PANNELL, #1170224

Petitioner,

v.

2:11CV517

HAROLD W. CLARKE,  
Director of Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions in the Norfolk Circuit Court on November 26 and 27, 2007, for felony robbery, misdemeanor hit and run, and destruction of property. Pannell was sentenced to serve life in prison on the robbery conviction, and six months on each misdemeanor.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The original Report and Recommendation filed May 4, 2012 (ECF No. 17) contained an erroneous name on two of its pages. The error was corrected and an Amended Report and Recommendation was filed May

10, 2012 (ECF No. 18), which recommends dismissal of the petition. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On May 18, 2012, the Court received petitioner's Objections to the Report and Recommendation (ECF No. 19). The respondent filed no response to the objections and the time for responding has now expired.


The Court, having reviewed the record and examined the objections filed by petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Amended Report and Recommendation filed May 10, 2012. It is, therefore, ORDERED that Respondent's Motion to Dismiss be GRANTED and the Petitioner's petition be DENIED and DISMISSED with prejudice.

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El

v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to petitioner and counsel of record for respondent.

/s/   
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REBECCA BEACH SMITH  
UNITED STATES DISTRICT CHIEF JUDGE

Norfolk, Virginia

June 5, 2012